

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-239**

13 **MELANIE LYNN WEAVER aka**  
14 **MELANIE L. WEAVER**  
15 **600 Arabesque Circle**  
16 **Roseville, CA 95678**

**A C C U S A T I O N**

17 **Registered Nurse License No. 465252**

18 Respondent.

19 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in her official capacity as the Executive  
22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.  
23 2. On or about March 31, 1991, the Board issued Registered Nurse License Number  
24 465252 to Melanie Lynn Weaver ("Respondent"). The license was in full force and effect at all  
25 times relevant to the charges brought herein. The license expired on September 30, 2010, and has  
26 not been renewed.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5

6  
7  
8  
9

## 0

1

2

5

8

0  
13  
4

6

1 **COST RECOVERY**

2 7. Code section 125.3 (a) and (i) provides as follows:

3 (a) Except as otherwise provided by law, in any order issued in resolution  
4 of a disciplinary proceeding before any board within the department or before the  
5 Osteopathic Medical Board, upon request of the entity bringing the proceeding may  
6 request the administrative law judge to direct a licensee found to have committed a  
7 violation or violations of the licensing act to pay a sum not to exceed the reasonable  
8 costs of the investigation and enforcement of the case.

9 (i) Nothing in this section shall preclude a board from including the  
10 recovery of the costs of investigation and enforcement of a case in any stipulated  
11 settlement

12 **DRUGS**

13 8. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate, also known as  
14 dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code  
15 section 11056(e)(4), and 500 mg. acetaminophen per tablet.

16 9. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate, also known as  
17 dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code  
18 section 11056(e)(4), and 325 mg. acetaminophen per tablet.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Crime)**

21 10. Respondent is subject to discipline under Code section 2761(f), in that on or about  
22 April 7, 2009, in the case of *People v. Melanie Lynn Weaver*, (Super. Ct. Placer County, Case No.  
23 62-87696), Respondent was convicted by the Court on her plea of nolo contendere of violating  
24 Health and Safety Code section 11368 (forging and issuing a prescription), a felony, a crime that  
25 is substantially related to the qualifications, functions or duties of a licensed registered nurse. The  
26 circumstances of the crime were that on or about December 26, 2007, Respondent unlawfully  
27 forged, altered, and issued a prescription bearing a forged and fictitious signature for a narcotic  
28 drug, to wit, Vicodin.

//

//

//

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8

4  
5  
6  
7  
8

1 e. Respondent possessed Vicodin, a controlled substance, in violation of Code section  
2 4060, in that she did not have a prescription for that controlled substance.

3 f. Respondent self-administered Vicodin, a controlled substance, without direction from  
4 a licensed physician and surgeon, dentist or podiatrist.

5 **January 10, 2008**

6 g. Respondent attempted to obtain Vicodin, a controlled substance, by fraud, deceit,  
7 misrepresentation or subterfuge or by the concealment of a material fact in violation of Health  
8 and Safety Code section 11173(a), by using her employer's prescription pad and signature stamp,  
9 then faxing the prescription to a Target pharmacy to be filled.

10 **January 2008**

11 h. Respondent obtained Vicodin, a controlled substance, by fraud, deceit,  
12 misrepresentation or subterfuge or by the concealment of a material fact in violation of Health  
13 and Safety Code section 11173(a) by taking Vicodin from her son for her own personal use.

14 i. Respondent possessed Vicodin, a controlled substance, in violation of Code section  
15 4060, in that she did not have a prescription for that controlled substance.

16 j. Respondent self-administered Vicodin, a controlled substance, without direction from  
17 a licensed physician and surgeon, dentist or podiatrist.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

20 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of  
21 unprofessional conduct as defined in Code section 2762(e), in that between December 4, 2008,  
22 and December 31, 2008, while employed as a registered nurse at Sutter Memorial Hospital,  
23 located in Sacramento, California, Respondent falsified, made grossly incorrect, grossly  
24 inconsistent or unintelligible entries in hospital or patient records in the following respects:

25 ///

26 ///

27 ///

28 ///

1       **Patient 3:**

2           a.     On or about December 31, 2008, at 2355 hours, Respondent signed out two (2) tablets  
3 of Norco for administration, but failed to account for the disposition of the Norco in any hospital  
4 or patient record.

5       **Patient 7:**

6           b.     On or about December 25, 2008, at 0709 hours, Respondent signed out two (2) tablets  
7 of Norco without a physician's order, and failed to account for the disposition of the Norco in any  
8 hospital or patient record. In addition, Respondent was not assigned to care for this patient.

9       **Patient 8:**

10          c.     On or about December 24, 2008, at 0627 hours, Respondent signed out two (2) tablets  
11 of Norco for administration, but failed to account for the disposition of the Norco in any hospital  
12 or patient record.

13       **Patient 9:**

14          d.     On or about December 20, 2008, at 0015 hours, Respondent signed out two (2) tablets  
15 of Norco without a physician's order, and failed to account for the disposition of the Norco in any  
16 hospital or patient record.

17       **Patient 11:**

18          e.     On or about December 11, 2008, at 0653 hours, Respondent signed out two (2) tablets  
19 of Norco without a physician's order, and failed to account for the disposition of the Norco in any  
20 hospital or patient record.

21       **Patient 12:**

22          f.     On or about December 10, 2008, at 0551 hours, Respondent signed out two (2) tablets  
23 of Norco without a physician's order, and failed to account for the disposition of the Norco in any  
24 hospital or patient record.

25       **Patient 14:**

26          g.     On or about December 5, 2008, at 0048 hours, Respondent signed out two (2) tablets  
27 of Norco for administration, but failed to account for the disposition of the Norco in any hospital  
28

1 or patient record. In addition, Respondent was not assigned to care for this patient at the time of  
2 withdrawing the medication.

3 **PRAYER**

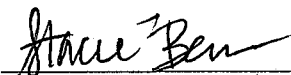
4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 465252, issued to  
7 Melanie Lynn Weaver;

8 2. Ordering Melanie Lynn Weaver to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: OCTOBER 02, 2012

  
13 LOUISE R. BAILEY, M.ED., RN  
14 Executive Officer  
15 Board of Registered Nursing  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SA2011101592  
10891405.doc